

REMARKS

The Examiner in the Official Action rejected claims 1, 8 and 9 under 35 USC § 103(a) as being unpatentable over Zander (US 5,923,906) in view of dotphoto.com for the reasons set forth therein. In this regard, the Examiner states that Zander teaches a method of providing a method image goods and/or services to more than one party located at different locations, comprising the steps of: providing a camera for substantially simultaneously capturing an image both electronically and on a photosensitive media by a customer. The Examiner in support of his proposition, refers to column 1, lines 23-32 and Figs. 1, 2, 4 and 16. The Zander reference is directed to an apparatus for selling film cameras. In particular, it is directed to an apparatus for loading film into cameras. The cameras then are dispensed by the apparatus for use by the customer. There is no teaching or suggestion of sending an electronic image to anyone.

The present invention is directed to a method for providing image goods and/or services by a service provider wherein a customer captures images both electronically and on film. The electronic image is sent to a third party remote from the customer, with additional data identifying the image with respect to the photosensitive media. The photosensitive media is the film that captures the image. Thus, the data that is transmitted relates directly to the photosensitive media. The independent claims also specifically set forth that the customer has the ability for placing an order with a service provider based on the electronic image that is received which is prior to the service provider receiving the photosensitive media containing the high resolution image. The claims further set forth that the service provider assembles the order upon receipt of the photosensitive media. Thus, the order that is to be delivered is based on the high resolution image captured by the photosensitive media and not by the electronic image. There is no teaching or suggestion in Zander of such a system. Quite the contrary, the Zander reference, as previously discussed, is directed to the selling of cameras and in particular, cameras in which specific amounts of film are loaded into the camera as desired by the customer. The customer is allowed to specifically customize the amount of film and type of film to be placed in the camera to be purchased or rented. This is in complete contrast to the present invention, where images are captured by a hybrid camera wherein the film is sent to one location, i.e. the service provider and the electronic images are shared with

a third party wherein the third party can use these electronic images for ordering goods and/or services from the service provider. Applicants respectfully submits that the Zander reference fails to teach or suggest the invention as taught and claimed by applicants. The dotphoto.com site does not add anything that would render applicants' invention. This site merely teaches the ability to share images that are already located at the dotphoto site, i.e. the service provider with respect to a third party. There is no teaching or suggestion that the third party could order images based on electronic images prior to the service provider receiving the media in which the high resolution images are provided. Quite the contrary, the dotphoto system discloses the traditional way in which service providers operate. In particular, the service provider receives the film, develops the film and scans the developed film to obtain the image which is capable of being forwards to a third party. Clearly, dotphoto does not teach or suggest the invention as claimed. Furthermore, it would not be obvious to combine the Zander and the dotphoto.com reference as the two are directed to two totally different areas of concern. The Zander reference is directed to loading the specified amount of film into a camera for a customer whereas the dotphoto.com is directed to a normal Internet site where images are shared that had been already stored on a site. There would be no motivation to combine the references as suggested by the Examiner.

The remaining claims depend at least ultimately upon the independently claims and therefore are patentably distinct for the same reasons previously discussed.

In addition, many of the dependent claims include features not taught or suggested by the prior art. In particular, dependent claim 2 discloses that the image service provider uses the additional data comprising a data base location in which said order may be electronically accessed by the service provider for determining if additional orders exists with respect to the images. Thus, in this situation, the place for determining if orders are present are not necessarily controlled by the service provider. This is not taught or suggested by the prior art.

Claim 3 includes the limitation that the customer forwards to a service provider the e-mail address of a third party that images have already bee forwarded for potential placement of orders. The dotphoto.com site does not teach or suggest the receiving of information that identifies that a third party has

received an image for potential placement of an order. With regard to Sheridan in column 2, lines 58-67, this is merely discussing the ability of a third party having particular access rights to images stored on this site. The Sheridan does not teach or suggest that the service provider be forwarded information from the customer advising them that other people have already received information with regard to the placement of an order.

As previously stated the remaining claims depend upon independent claim 1. The Sheridan and Fredlund reference do not teach anything that would render the independent claims obvious.

In view of the foregoing applicant respectfully submits that the application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,


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